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PATENT
CASE NAME/No.: SP01-371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Matthew J. Dejneka, et al.

Serial No: 10/027286

Art Group Unit: 1641

Filing Date: 12/20/2001

Examiner: Pensee T. Do

Title: DETECTABLE LABELS, METHODS OF
MANUFACTURE AND USE

RESPONSE

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated September 10, 2004, designated as Paper No. 082504 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 1-25, drawn to a label, classified in class 424, subclass 78.08;
- Group II. Claims 26-37 and 54-57, drawn to a method of using the label, classified in class 436, subclass 526; and
- Group III. Claims 38-53, drawn to a method of making the label, classified in class 424, subclass 78.08.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because of the following reasons:

Inventions I, II and III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)). Since the method of making the product and the method of using the product require different steps, they would have different effects, modes of operations and functions.

An election to Group I, claims 1-25 is made without traverse. Applicants hereby withdraws claims 26-57.